

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NIGEL ANTHONY BOWEN,	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	CIVIL ACTION NO. 24-CV-5534
	:	
LEHIGH COUNTY JAIL, <i>et al.</i> ,	:	
<i>Defendants.</i>	:	

ORDER

AND NOW, this 23rd day of October, 2024, upon consideration of Plaintiff Nigel Anthony Bowen's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and *pro se* Complaint (ECF No. 2), it is

ORDERED that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.

2. Nigel Anthony Bowen, #136641, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Lehigh County Jail or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Bowen's inmate account; or (b) the average monthly balance in Bowen's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Bowen's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward

payments to the Clerk of Court equaling 20% of the preceding month's income credited to Bowen's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of Lehigh County Jail.

4. The Complaint is **DEEMED** filed.

5. For the reasons stated in the Court's Memorandum, Bowen's claims against the Lehigh County Jail are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Clerk of Court is **DIRECTED** to **TERMINATE** the Lehigh County Jail as a Defendant in this matter.

6. For the reasons stated in the Court's Memorandum, Bowen's claims against Defendants Janine Donate, Kyle Russell, Sarah Jarosz, and Cliff Knappenberger are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

7. The Clerk of Court is **DIRECTED** to send Bowen a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number.

8. Bowen is given thirty (30) days to file an amended complaint in the event he can allege additional facts to state a plausible claim against Janine Donate, Kyle Russell, Sarah Jarosz, and Cliff Knappenberger. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Bowen's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 24-

5534. If Bowen files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Bowen's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. Claims that are not included in the amended complaint will not be considered part of this case. **This means that if Bowen files an amended complaint, he must reallege the claims against the Defendants who were not dismissed, including all supporting factual allegations, or those claims will be deemed to have been abandoned.**

When drafting his amended complaint, Bowen should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

9. If Bowen does not file an amended complaint the Court will direct service of his initial Complaint on Defendants PrimeCare Medical, Douglas Mette, and Carlos Gonzalez only. Bowen may also notify the Court that he seeks to proceed on these claims rather than file an amended complaint. If he files such a notice, Bowen is reminded to include the case number for this case, 24-5534.

10. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

BY THE COURT:

/s/ Gerald J. Pappert

Gerald J. Pappert, J.